

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

THOMAS McKENNA,

Plaintiff,

vs.

SMART TECHNOLOGIES, INC.,
et al.,

Defendants.

No. 11 CV 00583

Chicago, Illinois
October 5, 2011
8:30 o'clock a.m.

TRANSCRIPT OF PROCEEDINGS - MOTION
BEFORE THE HONORABLE EDMOND E. CHANG

APPEARANCES:

For the Plaintiff:

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For the Defendants:

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Court Reporter:

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1 THE CLERK: 11 C 583, McKenna versus Smart
2 Technologies.

3 MR. JOSEFSON: Good morning, your Honor. Avi
4 Josefson for the plaintiff.

5 MS. SHEPPARD: Hille Sheppard for all of the
6 remaining defendants.

7 MR. STERN: Andrew Stern, also for the defendants.

8 THE COURT: But not for the underwriter defendants
9 who are out of the case?

10 MR. STERN: Correct, your Honor.

11 THE COURT: Okay.

12 So, I guess I only had one question, and then I will
13 rule promptly on this, the venue transfer motion to New York.

14 The three underwriter defendants are out of the case,
15 but does the plaintiff have any reason to believe that these
16 -- that the underwriter employees, specifically Morgan
17 Stanley's employees, would not at some point be deposed or the
18 subject of discovery in the case?

19 MR. JOSEFSON: The underwriter defendants were
20 dismissed. We do have a tolling agreement with them, so there
21 is some possibility that they could come in the case again, so
22 your Honor is aware of that, but it is not anticipated at this
23 point, as long as the underwriter defendants are out of the
24 case. We haven't seen any discovery yet, it is impossible to
25 say for certain, but I think it is relatively unlikely that we